

FILED BY gf D.C.
05 AUG -2 AM 11:45
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SMURFIT-STONE CONTAINER CORP.,)

Plaintiff,)

v.)

HART'S MANUFACTURING CO., INC.)
d/b/a HART FURNITURE)

Defendants.)

Case No. 2:05-2433

ORDER DENYING JUDGMENT BY DEFAULT

Plaintiffs, Smurfit-Stone Caontainer Corp. by and through Counsel, submitted motion for judgment by Default against Defendants Hart's Manufacturing Co. Inc. As grounds, Plaintiff states that Defendant(s) has failed to answer / plead to complaint.

Entry of Default may be entered when party whom a judgment is sought has failed to plead or otherwise provided and fact is made to appear by affidavit or otherwise. FRCvP 55 (a)

Default Judgment is therefore DENIED as there has been no Entry of Default as to the Defendant(s).

Entered this 2nd day of August, 2005.

THOMAS M. GOULD
Clerk of Court

By: Judith Casley
Deputy Clerk

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Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02433 was distributed by fax, mail, or direct printing on August 2, 2005 to the parties listed.

Thomas F. Barnett
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT